

REMARKS

This is in response to the Office Action dated October 27, 2008. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application and drawings. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-20 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Claim Rejections under 35 U.S.C. §112, 2nd

The Examiner rejected Claims 4, 5, 19 and 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended Claims 4, 5, 19 and 20 as in the Claim amendment. Withdrawal of the rejection is respectfully requested.

Claim Rejections over GOLDSMITH in view of LETARTRE

The Examiner rejected Claims 1-15 and 10-17 under 35 U.S.C. §103(a) as being unpatentable over GOLDSMITH (U.S. 2,863,835) in view of LETARTRE (USPGPUB 20030215441). Applicant respectfully disagrees with the Examiner.

Amended Claim 1 of Instant Application *(Emphasis added)*

A fuel additive composition comprising 8 to 40 parts by weight of hydrogen peroxide, 8 to 40 parts by weight of an amine-based stabilizer, 10 to 40 parts by weight of borax, 16 to 40 parts by weight of sodium hydroxide, and water, wherein the fuel additive composition is configured to facilitate combustion, increase thermal efficiency, reduce smoke generation, exclude soot and clinker from a furnace, and controls flame, in an internal combustion engine or furnace.

The present invention is directed to a water-soluble fuel additive composition comprising borax, sodium hydroxide, an amine-based stabilizer, hydrogen peroxide, and water, for facilitating combustion, increasing thermal efficiency, reducing smoke generation, excluding soot and clinker from a furnace, and controlling flame. That is, the fuel additive

according to the present invention is to be added to a fuel for an internal combustion engine or a furnace so as to reduce problematic soot and clinker and enhance thermal efficiency.

In contrast, the cited references disclose compositions or methods which are totally different from that of the present invention, as follows:

GOLDSMITH : a bleaching composition; and
LETARTRE : an antimicrobial composition.

GOLDSMITH's composition is supposed to obtain a fluid slurry of granular perborate by the process which the Examiner quoted from col. 3, lines 20-41. Contrastingly, LETARTRE's composition tries to provide a process for preparing an anti-microbial composition which removes the difficulties associated with the solubilizing powder and avoids the risks of deposits forming on surfaces and within the circuits and tubes. (See paragraph [0014]) In other words, Applicant respectfully submits that GOLDSMITH wanted to obtain a "granular" thing, while LETARTRE wanted to obtain a "resolved" thing. That is, GOLDSMITH's stabilizer CANNOT be replaced or suggested by the LETARTRE's stabilizer, such that GOLDSMITH seems to be prohibited to be combined with LETARTRE, which is not surprising considering the radical difference in the problems they try to solve; GOLDSMITH's bleaching composition vs. LETARTRE's an antimicrobial composition.

Also, the Examiner stated "*GOLDSMITH and LETARTRE also do not seem to explicitly teach the amount of borax from 10 to 40 parts by weight of borax. However, it would be obvious to one of ordinary skill in the art to modify the amounts of borax used with a reasonable expectation of success.*" Applicant respectfully disagrees with the Examiner. As discussed above, GOLDSMITH and LETARTRE had totally different problems to solve to the extent that their combination destroys the original purpose of the primary reference, GOLDSMITH.

Furthermore, since GOLDSMITH, LETARTRE, and the present invention do NOT share any meaningful portion of problems to solve among them, one of ordinary skill in the art CANNOT have such a thing as "a reasonable expectation of success" at all. More importantly, the degree of difference of problems to solve between the cited reference and the present invention has a HUGE GAP, considering the composition in the present invention is to be used

in a inferno in an internal combustion engine or a furnace, while the compositions of the cited references are to be used in a washing machine or a test tube. That is, the inventive features such as *the amount of borax from 10 to 40 parts by weight of borax* of the present invention CANNOT be obvious over the cited reference. Thus, Applicant respectfully submits that the invention was NOT prima facie obvious to one of ordinary skill in the art at the time of the invention.

Therefore, GOLDSMITH, LETARTRE, or their combination does not teach or suggest the inventive features of Claims 1-5 and 10-17.

Claim Rejections over GOLDSMITH in view of LETARTRE and LUTZ

The Examiner rejected Claims 6-10 under 35 U.S.C. §103(a) as being unpatentable over GOLDSMITH in view of LETARTRE and further in view of LUTZ (U.S. 4,131,562).

Applicant respectfully disagrees with the Examiner.

LUTZ discloses a stabilized particulate peroxygen compounds which have been used as a source of active oxygen in bleaching, detergent, cleaning, rinsing, and scouring formulations. However, LUTZ does not cure the deficiencies of GOLDSMITH and LETARTRE. Therefore, GOLDSMITH, LETARTRE, LUTZ or their combination does not teach or suggest the inventive features of the independent Claims 1 and 10. Withdrawal of the rejection to Claims 6-10 is respectfully requested.

Claim Rejections over GOLDSMITH in view of LETARTRE and STRICKLAND

The Examiner rejected Claims 18-20 under 35 U.S.C. §103(a) as being unpatentable over GOLDSMITH in view of LETARTRE and further in view of STRICKLAND (2,552,351). Applicant respectfully disagrees with the Examiner.

The Examiner stated “*GOLDSMITH does not seem to explicitly state that the solution may be a fuel composition nor the amounts of the fuel with respect to the fuel additive composition. However, STRICKLAND teaches the removal of gum from hydrocarbon mixtures in lines 3-8 of column 1 such as mixtures that are used in internal combustion engines.*”

As discussed above, the degree of difference of problems to solve between the cited reference and the present invention has a HUGE GAP, considering the composition in the present invention is to be used in a inferno in an internal combustion engine or a furnace, while the compositions of the cited references are to be used in a washing machine or a test tube.

In addition, Applicant respectfully submits that even STRICKLAND shares almost NO similar problem to solve. Even though he/she was talking about internal combustion engine, STRICKLAND did NOT disclose any composition which is to be used directly in the internal combustion engine. Applicant submits that STRICKLAND's composition is concerned with the removal of unsatisfactory constituents from hydrocarbon mixtures, more specifically with the removal of gum forming poly olefins and similar compounds from hydrocarbon mixtures, which compounds tend to form varnish in an internal combustion engine. (See col. 1, lines 1-29) That is, STRICKLAND's composition is NOT to be used with the fuel right in the internal combustion engine, BUT to be used to clean up the fuel well before injecting the fuel into the internal combustion engine.

Applicant respectfully submits that the composition of the present invention is provided to go through the extreme environments like an inferno in the internal combustion engine, while STRICKLAND's composition takes care of the fuel contaminated with gum forming poly olefins and similar compounds without the heat or pressure in the internal combustion engine.

Therefore, GOLDSMITH, LETARTRE, STRICKLAND or their combination does not teach or suggest the inventive features of the independent Claims 18 and 20. Withdrawal of the rejections to the Claims is respectfully requested.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that Claims 1-20 are in condition for allowance, and such action is respectfully solicited, if required, under *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance,

the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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